IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE FIFTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE D.S.R.VARMA

WRIT PETITION NO : 20600 of 1995

Between:

1 M.M.Kamal Basha, S/o. Shaik Abdulla.
R/o. Lalapet, Near Cloth Bazar,
Guntur.
2 N.M.Manika Rao, S/o. Kameswar Rao.
R/o. Lalapet, Near Cloth Bazar,
Guntur.
3 A.M.Nageswara Rao, S/o. Subba Rao.
R/o. Lalapet, Near Cloth Bazar,
Guntur.
4 D.Jagadish Babu, S/o. Hanumantha Rao.
R/o. Lalapet, Near Cloth Bazar,
Guntur.
5 D.Nagauvardhana Rao, S/o. D.V.Subbaiah.
R/o. Lalapet, Near Cloth Bazar,
Guntur.
6 D.Anuradha, W/o. Sagadhish Babu,
R/o. Lalapet, Near Cloth Bazar,
Guntur.
7 D.Nagaratnamma, W/o. D.Hanumantha Rao.
R/o. Lalapet, Near Cloth Bazar,
Guntur.
8 Dasari Hanumantha Rao, S/o. Venkata Subbaiah.
R/o. Lalapet, Near Cloth Bazar,
Guntur.

..... PETITIONERS

AND

The Guntur Municipal Corporation, Rep. Commissioner.
Guntur Municpal Corporation, Guntur.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order or direction more fully in the nature of Mandamus by directing the respondents herein not to interfere with the religious activity of deity worshiping the Anjaneya Swamy Tea and not to demolish Anjaneyaswamy Temple and the adjust Tea and Pan Shop Sri Subash Chandra Bose, Situated in cloth Bazar, at the Junction of Peddapuli Sandu Guntur by declaring that the action of the respondent in interfering with the same as illegal.

Counsel for the Petitioners: SMT.K.SESHARAJYAM

Counsel for the Respondent: MR.K.NAGASWARA RAO

The Court made the following :

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ORDER:

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Heard.

2. This writ petition is filed to direct the respondent not to demolish Anjaneyaswamy Temple and the adjacent tea and pan shops belonging to one Sri Subash Chandra Bose, situated in cloth bazaar at the junction of Peddapuli Sandu Guntur.

3. From the writ affidavit it appears that prior to construction of the temple and the installation of pan, the vacant land was used by the public to attend nature calls and for dumping the garbage. Now the grievance of the petitioners is that if the temple is removed, again the vacant land will be used by public for the same purposes as before. Therefore, they pray that the temple and the tea and pan shops shall not be removed.

4. No counter is filed.

5. From the affidavit and from the submissions of the counsel for the petitioners it appears that this writ petition is filed basing only on the apprehension and no real

cause of action is made out. Therefore, I do not find any merit in this writ petition and the same is accordingly dismissed.

6. However, it is needless to observe that if there is any real grievance, the petitioners are always at liberty to approach the concerned authorities by way of representation and upon such representation, the same shall be considered in accordance with law.

7. In the circumstances of the case, there shall be no order as to costs.

AVS/vs ----------

05.08.2004

To

1. The Commissioner, Guntur Municipal Corporation, Guntur Municpal Corporation, Guntur.
2. Two CD copies.

THE HON'BLE MR JUSTICE D.S.R.VARMA

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WRIT PETITION NO. 20600 OF 1995

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Dated: 05-08-2004